

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL GRID COMMUNICATIONS, INC.,)
Plaintiff)
V.) C. A. NO. 05-30131-MAP
TOWN OF LENOX and)
LENOX ZONING BOARD OF APPEALS,)
Defendants)

JOINT MOTION TO EXTEND TIME FOR OPPOSING MOTION TO
INTERVENE AND FOR A STAY OF COURT ACTION ON THE AGREEMENT
FOR JUDGMENT SUBMITTED BY THE PLAINTIFF AND THE DEFENDANTS

The Plaintiff, National Grid Communications, Inc., and the Defendants, Town of Lenox and Lenox Zoning Board of Appeals, with the assent of proposed intervenor Lenox Meadows, LLC, jointly move that this Honorable Court extend the deadline for responses to Lenox Meadows, LLC's Motion to Intervene from September 26, 2006, to October 12, 2006, on the grounds that the Plaintiff and the Defendants have agreed upon a settlement of this matter, and have now had serious and fruitful settlement discussions with Lenox Meadows, LLC's, which may also resolve all issues raised in the Motion to Intervene. The parties and Lenox Meadows also ask this Honorable Court temporarily to stay any action on the Agreement for Judgment which was filed on September 12, 2006.

Further in support of this Motion, the parties state the following, and Lenox Meadows, LLC, concurs:

1. On September 12, 2006, Lenox Meadows, LLC, filed for intervention. On the same day, Plaintiff and the Defendants filed an Agreement for Judgment.

2. Counsel for the parties had been discussing the case, and the possibility of a settlement, with counsel for Lenox Meadows, LLC, prior to September 12, 2006. Since that date, the parties and Lenox Meadows have had further discussions regarding possible modifications of the proposed tower design and location, which appear to have good chance of resolving Lenox Meadows' concerns as well.

3. The requested extension and the stay of action on the Agreement for Judgment will give the parties and Lenox Meadows an opportunity to complete the settlement discussions, and would not unreasonably delay the resolution of this matter if the settlement discussions with Lenox Meadows are unsuccessful.

Respectfully submitted,

NATIONAL GRID
COMMUNICATIONS, INC.,

By: /s/ Kenneth Ira Spigle
Kenneth Ira Spigle (BBO# 475220)
687 Highland Avenue, Suite 1
Needham, Massachusetts 02494
(781) 453-3900
Facsimile: (781) 453-0510

Dated: Sept. 25, 2006

TOWN OF LENOX and LENOX
ZONING BOARD OF APPEALS,

By: /s/ Jerome J. Scully
Jerome J. Scully (BBO # 449660)
Hannon, Lerner, Cowig, Scully &
Bell 184 Main Street, PO Box 697
Lee, Massachusetts 01238
(413) 243-3311
Facsimile: (413) 243-4919

Assented to:

Lenox Meadows, LLC, (proposed Intervenor)

By its attorneys,

/s/ Sheryl A. Koval

Anthony M. Feeherry (BBO # 160860)
Sheryl A. Koval (BBO # 657735)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109-2881
617.570.1000